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Translation

PCT

PATENT COOPERATION TREATY

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

	(PCT Article 36 and	l Rule 70)		
Applicant's or agent's file reference 02143PCT	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)		
International application No.	International filing date (day/m			
PCT/FR2003/003740	16 décembre 2003 (16.1	(13)		
International Patent Classification (IPC) or no	ational classification and IPC	12.2003) 16 décembre 2002 (16.12.2002)		
A61K 9/48				
Applicant				
	PARIS, Laurence			
1. This international preliminary over				
and is transmitted to the applicant acc	nation report has been prepared be cording to Article 36.	by this International Preliminary Examining Authority		
- Consists of a total of				
This report is also accompanie	d by ANNEXES, i.e., sheets of the	he description, claims and/or drawings which have been		
70.16 and Section 607 of the A	inis report and/or sheets containi Administrative Instructions under	he description, claims and/or drawings which have been ng rectifications made before this Authority (see Rule the PCT).		
These annexes consist of a tota				
3. This report contains indications relating	ng to the following items:			
I Basis of the report	to the tonowing nems.			
II Priority		•		
III Non-establishment of	Opinion with regard to povelty.	nventive step and industrial applicability		
IV Lack of unity of invent	•	nventive step and industrial applicability		
Reasoned statement up		novelty, inventive step or industrial applicability;		
VI Certain documents cite		.,,		
VII Certain defects in the ir	nternational application	•		
	the international application			
Date of submission of the demand	Date of co.	Date of completion of this report		
·				
09 juillet 2004 (09.07.200	<i>1</i> 4)	31 March 2005 (31.03.2005)		
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Form PCT/IPEA/409 (cover sheet) (July 1998)

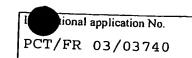


International application No.

PCT/FR2003/003740

I. Basi	s of the	report	1 C1/FR2003/003 /40
		to the elements of the international application:*	
		ternational application as originally filed	
		scription:	
	pages	•	
	pages	1-25	, as originally filed
I	pages		, filed with the demand
		, filed with the letter of	
	the cla		·
ł	pages	1-16, 17 (part.), 24 (part.), 25-36	, as originally filed
ł	pages pages	, as amended (toget	her with any statement under Article 19
	pages		filed with at a 1
		17 (part.), 18-23, 24 (part.) , filed with the letter of	09 February 2005 (09.02.2005)
	the dra	wings:	
	pages	1/4-4/4	, as originally filed
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		o any nucleotide and/or amino acid sequence disclosed in the interna unination was carried out on the basis of the sequence listing: d in the international application in written form.	tional application, the international
	filed tog	ether with the international application in computer readable form.	
	furnished	subsequently to this Authority in written form.	
LJ t	furnished	subsequently to this Authority in computer readable form.	
	The stat nternatio	ement that the subsequently furnished written sequence listing does not an application as filed has been furnished.	
L 1	The state seen furn	ment that the information recorded in computer readable form is identical ished.	to the written sequence listing has
П	The amer	dments have resulted in the cancellation of:	
		description, pages	
		claims, Nos	
		drawings, sheets/fig	·
☐ Th	nis repor	t has been established as if (some of) the amendments had not been made, sindicated in the Supplemental Box (Rule 70.2(c)).**	nce they have been considered to go
and 70.1	<i>7)</i> .	ets which have been furnished to the receiving Office in response to an invital s "originally filed" and are not annexed to this report since they do no	contain amendments (Rule 70.16
Any repla	acement	sheet containing such amendments must be referred to under item 1 and annex	red to this report.

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	V.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
۱		and any and any any or ting such statement

Statement			
Novelty (N)	Claims	11, 17, 20, 25, 28, 29	YES
	Claims	1-10, 12-16, 18, 19, 21-23, 26, 27, 30-36	NO
Inventive step (IS)	Claims		YES
	Claims	1-36	NO
Industrial applicability (IA)	Claims	1-36	YES
	Claims		NO

Citations and explanations

This report makes reference to the following documents:

D1: US 2002/019447 A1

D2: FR-A-2 767 070, cited in the application

D3: WO 01/07507 A

In the absence of other indications, reference is made to the passages cited in the international search report.

Polysaccharide compositions (thickening agents) that can be used to produce hard and soft capsules, and that jellify after the admixture of complexing agents, are known from the prior art. D1, for example, describes filmforming compositions produced from hydrocolloidal sols (such as konjac/xanthan, guar/xanthan, etc.) with the admixture of boron salts; figure 6, in particular, shows the use of clarified hydrocolloids for producing various types of soft capsules. The mannans and gums used are thickening agents in that they produce viscous sols (cf. column 2, [0018] and [0020]).

D2 describes capsule skins produced from carrageen. On page 3, a list is found with the types of carrageens that can be used. Lambda carrageen is mentioned as a thickening

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agent. In the examples, a mixture of carrageens appears to be used, hence including lambda carrageens. Moreover, the same additives are used as in the present application.

In D3, soft capsules are produced from pullulan with the optional admixture of polysaccharides, such as gum arabic, wellan, rhamsan. Additives that are similar or identical to those in the present application are added.

The plasticising, surfactant, disintegrant additives, etc. used in the present application are also conventional additives, and their composition depends on the type of product that is to be produced.

For these reasons, the subject matter of claims 1-10, 12-16, 18, 19, 21-23, 26, 27 and 30-36 does not appear to be novel over D1-D3 (PCT Article 33(1) and 33(2)).

It should be noted that

- the use of xanthan gum (thickener), for example, is not excluded from the generic wording of claim 1;
- the presence of gelling agents is not excluded from claim 1;
- the mention of a different use (soft/hard capsules) cannot render compositions novel over prior art compositions containing the same ingredients.

An inventive step could be recognised for possibly novel aspects (restriction to certain thickeners, absence of gelling agents) of the application only if a surprising effect were demonstrated.